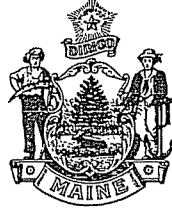


MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



STATE LAW LIBRARY
ALBUSTA MAINE

124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1006

H.P. 694

House of Representatives, March 12, 2009

An Act To Create the Probate and Trust Law Advisory Commission

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DILL of Cape Elizabeth.
Cosponsored by Senator HASTINGS of Oxford.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §12004-I, sub-§73-B** is enacted to read:

3 **73-B.**

4 <u>Probate and Trust</u>	<u>Probate and Trust</u>	<u>Expenses Only</u>	<u>18-A MRSA §1-801</u>
5 <u>Law</u>	<u>Law Advisory</u>		
6	<u>Commission</u>		

7 **Sec. 2. 18-A MRSA Art. 1, Pt. 8** is enacted to read:

8 **PART 8**

9 **PROBATE AND TRUST LAW ADVISORY COMMISSION**

10 **§1-801. Commission established**

11 The Probate and Trust Law Advisory Commission, established in Title 5, section
12 12004-I, subsection 73-B and referred to in this Part as "the commission," is created for
13 the purpose of conducting a continuing study of the probate and trust laws of the State.

14 **1. Membership.** The commission is composed of 10 members who have experience
15 in practicing probate and trust law or be knowledgeable about probate and trust law. The
16 membership of the commission must include:

17 A. Two Probate Court Judges, appointed by the Governor;

18 B. One Superior Court Justice, appointed by the Chief Justice of the Supreme
19 Judicial Court;

20 C. Five members of the trusts and estates law section of the Maine State Bar
21 Association, appointed by the Chief Justice of the Supreme Judicial Court;

22 D. One member representing the interests of older people, appointed by the
23 Governor; and

24 E. The Attorney General, or the Attorney General's designee.

25 **2. Terms.** A member is appointed for a term of 3 years and may be reappointed.

26 **3. Vacancies.** In the event of the death or resignation of a member, the appointing
27 authority under subsection 1 shall appoint a qualified person for the remainder of the
28 term.

29 **§1-802. Consultants; experts**

30 Whenever it considers appropriate, the commission shall seek the advice of
31 consultants or experts, including representatives of the legislative and executive branches,
32 in fields related to the commission's duties.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

§1-803. Duties

1. Examine, evaluate and recommend. The commission shall:

A. Examine this Title and Title 18-B and draft amendments that the commission considers advisable;

B. Evaluate the operation of this Title and Title 18-B and recommend amendments based on the evaluation;

C. Examine current laws pertaining to probate and trust laws and recommend changes based on the examination; and

D. Examine any other aspects of the State's probate and trust laws, including substantive, procedural and administrative matters, that the commission considers relevant.

2. Propose changes. The commission may propose to the Legislature, at the start of each session, changes in the probate and trust laws and in related provisions that the commission considers appropriate.

§1-804. Organization

The Chief Justice of the Supreme Judicial Court shall notify all members of the commission of the time and place of the first meeting of the commission. At that time the commission shall organize, elect a chair, vice-chair and secretary-treasurer from its membership and adopt rules governing the administration of the commission and its affairs. The commission shall maintain financial records as required by the State Auditor.

§1-805. Federal funds

The commission may accept federal funds on behalf of the State.

SUMMARY

This bill establishes the Probate and Trust Law Advisory Commission, which is modeled on the Family Law Advisory Commission and the Criminal Law Advisory Commission, to conduct an ongoing evaluation of probate and trust laws and to recommend amendments based on that examination.